

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P. No. 621 of 2015**

1. Harpreet Singh Rikhraj S/o Mahendra Singh Aged About 36 Years R/o Flat No. 2/1, 2nd Floor, Gangotri House, Sura Bhavan Area, Bistupur, Jamshedpur (Jharkhand).
2. Satwant Kaur W/o Mahendra Singh Aged About 59 Years R/o Flat No. 2/1, 2nd Floor, Gangotri House, Sura Bhavan Area, Bistupur, Jamshedpur (Jharkhand).
3. Mahendra Singh S/o Late Shri Khjan Singh Aged About 67 Years R/o Flat No. 2/1, 2nd Floor, Gangotri House, Sura Bhavan Area, Bistupur, Jamshedpur (Jharkhand).
4. Nabhjeet Kaur S/o Mahendra Singh Aged About 31 Years R/o Flat No. 2/1, 2nd Floor, Gangotri House, Sura Bhavan Area, Bistupur, Jamshedpur (Jharkhand).
5. Jaspreet Singh S/o Mahendra Singh Aged About 30 Years R/o Flat No. 2/1, 2nd Floor, Gangotri House, Sura Bhavan Area, Bistupur, Jamshedpur (Jharkhand).

---- Petitioners**Versus**

1. Pavneet Kaur W/o Shri Harpreet Singh Rikhraj Aged About 30 Years D/o Shri Devender Singh Dhillon R/o H. No. 745, Guru Govind Nagar, Raipur (Chhattisgarh) 492001.
2. State Of Chhattisgarh Through Thana In-Charge, Mahila Thana, Raipur Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Aparna Diwan, Advocate
For Respondent no.1	:	Shri Anupam Dubey, Advocate
For Respondent no.2/ State:	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04.07.2016**

The present Cr.M.P. has been filed seeking directions from this Court to permit the present Petitioners to compound the matter pending before the Judicial Magistrate, First Class, Raipur in Criminal Case No. 1470/11 arising out of FIR No. 30/2011 filed by Respondent No. 1 at the Mahila Thana, Raipur under Section 498-A/34 IPC.

2. Learned Counsel for the Petitioners submits that after filing of the complaint and the trial being underway before the JMFC, Raipur the Complainant-Respondent No. 1 and the Petitioner (i.e. husband) and in-laws of the Respondent No. 1 have settled their differences and entered in a compromise and resolved all their grievances. The parties have also agreed to mutual divorce with consent which has already been concluded and fixed for passing a decree of divorce. Respondent No. 1 is also present before this Court. She has also filed an affidavit of herself dated 03.05.2016 wherein she says that consequent to the compromise entered between them, she does not intend to prosecute the present Petitioners any further under Section 498A IPC which is pending before the JMFC, Raipur as Criminal Case No. 1470/2011.
3. Learned State Counsel does not oppose the said prayer made by the present Petitioners.
4. All the parties to the dispute are present in the Court today.
5. In the light of the specific averments made by Respondent No.1 present before this Court and also taking into consideration an affidavit that she has filed on 03.05.2016 in the present 482 Petition, this Court is of the opinion that once when the complainant and the accused having settled and buried their disputes and differences, it would be an important consideration for the High Court while exercising the powers under Section 482 Cr.P.C. to compound the offence. The opinion of this Court stands fortified from the judgment of the Supreme Court in the case of Gian Singh Vs. State of Punjab¹ and Another and also in the case of Narinder Singh and Others Vs. State of Punjab and Another².

1 2012 (10) SCC 303

2 2014 (6) SCC 466

6. Another aspect which has to be borne in mind is that the parties to the dispute having entered into a settlement and compromised the matter, it would not be justified to drag these proceedings unnecessarily.

7. In view of the statement made the Respondent No.1/Complainant as well as by Petitioners No.1 to 5 and keeping in view the law laid down by the Supreme Court in the Case of B. S. Joshi and Others Vs. State of Haryana and Another³ and also in the case of Gain Singh (Supra) and Narinder Singh (Supra), this Court is of the opinion that it is a fit case where the parties can be permitted to compound the offence.

8. Accordingly, the present petition filed under Section 482 Cr.P.C. is allowed. Consequently the Criminal Case No. 1470/11 pending before the JMFC, Raipur is ordered to be quashed and the Petitioners are discharged from the charges under 498A/34 IPC.

9. The order of this Court be sent to the JMFC Raipur for appropriate orders to be passed in Criminal Case No. 1470/11.

Sd/-
(P. Sam Koshy)
JUDGE